

REMARKS

Claims 1-6 and 8-14 are pending in this application. By this Amendment, claim 1 is amended and 14 is added. Support for the amendments to the claims may be found, for example, in the specification at page 16, line 19 to page 17, line 8 and in the Figures 3(a)-3(e) and 8(a)-8(d). No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Interview

The courtesies extended to Applicants' representative by Examiner Loney at the interview held November 27, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

II. Rejections Under 35 U.S.C. §102(b)

The Office Action rejects claims 1 and 8-13 under 35 U.S.C. §102(b) as anticipated by either JP 63-256701 ("701"), JP 6-58931 ("931"), or U.S. Patent No. 5,947,945 to Cree et al. ("Cree"). Applicants respectfully traverse the rejection.

Without conceding the propriety of the rejections, independent claim 1 is amended to more clearly recite various novel features of the claimed invention, with particular attention to the Examiner's comments made in the Office Action and during the interview. Specifically, claim 1 is amended to clarify that a "by-pass channel member transports a portion of liquid disposed at the uppermost surface of the first super-absorbent sheet to said another super-absorbent sheet so that the portion of the liquid transported by the by-pass channel member to said another super-absorbent sheet is not absorbed by the first super-absorbent sheet."

Neither '701, '931 nor Cree teach or suggest such features.

Therefore, claim 1 is not anticipated by '701, '931, or Cree. Claims 8–13 variously depend from claim 1 and, thus, also are not anticipated by '701, '931 or Cree. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 2–7 under 35 U.S.C. §103(a) over '701, '931, or Cree in view of applicant's alleged discussion of prior art ("ADPA") and U.S. Patent No. 4,323,069 to Ahr et al. ("Ahr"). Claim 7 is canceled, rendering its rejection moot. Applicants respectfully traverse the rejection as to claims 2-6.

For the reasons discussed above, '701, '931, and Cree fail to teach or suggest all of the features of independent claim 1. ADPA and Ahr are only cited for the features of the dependent claims. Regardless, of its asserted disclosures, ADPA and Ahr do not cure the deficiencies of '701, '931, and Cree.

The Office Action asserts that "the primary reference teaches the invention substantially as recited except for the specific materials of the absorbent layer per claims 2 and 3, the tube per claims 4 and 5 and the undulating sheet per claims 6 and 7." *See* Office Action page 4, no.7. By the Amendment submitted on October 1, 2007, claim 6 was amended to incorporate the subject matter of claim 7.

Claim 6, as amended requires that "wherein at least a part of the by-pass channel member is composed of a concavity-and-convexity-containing sheet member that has a concavity-and-convexity-containing surface with concave portions and convex portions on at least one surfaces thereof; the concavity-and-convexity-containing sheet member has apertures in some of or in all of the convex portions; a part of the concavity-and-convexity-containing sheet member is positioned above the first super-absorbent sheet with the concavity-and-convexity-containing surface facing upward; and another part of the concavity-

and-convexity-containing sheet member is positioned either above another super-absorbent sheet or under the laminated absorbent member or both."

The Office Action asserts that because ADPA discloses "that the absorbent layers are known" and because Ahr discloses "an undulating sheet with apertures core 16" it would have been obvious to arrive at claim 6. It is respectfully submitted that the combination of ADPA and Ahr with '701, '931, and Cree would not have rendered claim 6 obvious.

Ahr discloses an intermediate layer 40 which has a plurality of tapered capillaries 42 placed as concavity-and-convexity-containing surface (i.e., surface having apex openings 46) facing downward. *See* column 11, lines 53-57 and Figs. 2-5. Therefore, a large portion of the aqueous liquid passes through apex openings 46 to the backside of the intermediate layer 40.

Ahr's intermediate layer 40 is clearly distinguishable from the concavity-and-convexity-containing sheet member of amended claim 6 in its construction and function. In particular, as claimed in claim 6, the concavity-and-convexity-containing sheet member has apertures in some of or in all of the convex portions and a part of the concavity and convexity containing sheet members is positioned above the first super-absorbent sheet with the concavity and convexity containing surface facing upward. A portion of the aqueous liquid passes through the apertures to the backside of the concavity and convexity containing sheet member. However, a portion of the aqueous liquid moves to another super absorbent sheet by the bypass channel member formed by slopes of the convex portion. The intermediate layer of Ahr is clearly different from the concavity and convexity sheet member of claim 6 in both its construction and function in which the aqueous liquid, as previously discussed, passes through apex openings to the backside of the intermediate layer.

Claim 4 is also clearly not obvious over the combination of '701, '931, and Cree in view of ADPA and Ahr. None of the cited references independently or in combination teach or suggest a by-pass channel member, and more particular, as claimed in claim 4, a by-pass

channel member which is at least partially composed of a tube member. Specifically, claim 4 recites a tube member that has a channel inside, an entry end portion formed by positioning one end of the tube member above the first super-absorbent sheet, or by positioning the end of the tube member such that an end portion of the first super-absorbent sheet is inserted in the channel; and an exit end portion formed by positioning the other end of the tube member either above another super-absorbent sheet or under the laminated absorbent member or both, or by positioning the other end of the tube member such that at least one end of another super-absorbent sheet is inserted in the channel. In this regard, Ahr's teaching of "an undulating sheet with apertures core" is not the same as or suggestive of the very different structure of the tube member recited by claim 4.

For at least the reasons discussed above, '701, '931, Cree, ADPA, and Ahr, considered either separately or in combination, fail to teach or suggest all of the features of independent claim 1.

Claim 1 would not have been rendered obvious by '701, '931, Cree, ADPA, and Ahr. Claims 2-7 depend from claim 1 and, thus, also would not have been rendered obvious by '701, '931, Cree, ADPA, and Ahr. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. New Claim

By this Amendment, new claim 14 is presented. New claim 14 depends from claim 1 and, thus, distinguishes over the applied references for at least the reasons discussed above with respect to claim 1. Prompt examination and allowance of new claim 14 are respectfully requested.

V. **Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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